App. F. IX-1

194/ .

(Cb)

File No. 188-41

Serial Nos. 1-2

Previous References.
Cb 16-27 (1-2)
" 178-24 (1-2)
" 104-41 (1-2)
S&A 326/32 (1-2)
Cb 29-67 (1-13)
Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. two only

Part B for Feb '42

SUBJECT.

Amendment to Criminal Rule of Practice relating to the payment of T.A. to Rld. Officers for attending Criminal Courts.

Order No. 3784-S dt 17.2.42

To

The Registrar H.C.

Comptroller

Sanctions the proposal of the High Court.

C. G. Vajravelu
27.2.42

Serial No.

From

The Registrar High Court.

No Roc 643/41-42 Dy 21.1.42.

Recommends that the existing rules on the subject of payment of T.A. to retired Officers attending Courts as witnesses in criminal ~~Cases~~ Cases to give evidence of facts coming to their knowledge while in Govt Service, may be modified as set out in the appended Statement to his letter.

A Statement setting out the details as to the existing and the proposed rule of practice in the matter of payment of T.A and batta to retired officers of Govt for attending Criminal Courts in the State for deposing facts coming to their knowledge while in Govt Service is placed below for perusal.

Para (IV) on page 168 of Cr. Rules of practice lays down that the T.A and batta to retired Officers in Cases referred to above should be regulated in pursuance of the G.O. Dy 28.3.1908 which governs the conditions on which T.A & batta should be paid to

Rog RC

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

Serial No.

Official and Non-Official Witnesses attending the Courts.

para (V) further supplements the rule enunciated in para (IV) by laying down that such retired Officers should be granted T.A and batta at the rates admissible for Non-Official Witnesses.

The Combined effect of paras (IV) & (V) is that retired Officers summoned to give evidence in Courts in respect of facts which came to their knowledge while in service are entitled to T.A & batta at the rates allowed for Non-Official Witnesses attending Sessions trials.

It is not clear from the p.n. D why difficulties are felt for interpreting the existing rules of practice on the subject.

The proposed rule seeks to laydown that retired Officers will be entitled to the T.A and batta at the rates mentioned above both in Sessions trials and in the Magistrates' Courts. It is submitted

Serial No.

in this Connection that the High Court very recently elicited information from Govt as to whether retired Officers would be entitled to T.A and batta at the rates fixed by Govt for deposing facts both in the Sessions Court and the Magistrates' Courts and a reply was sent to them, after Consultation with the financial Secretary, that such retired Officers were entitled to get T.A and batta both in the Sessions and Magistrates' Courts.

(Paras 8-10 of Rules in Cls 104-41-112)

For T

The High Court has propose to include the above mentioned fact in a rule of practice by amending the existing rules.

In View of the fact that instructions of Govt in the matter issued from to time are clear and are not also ambiguous, the following points are for orders :-

(1) Whether any amendment is necessary

(2) Whether it is necessary to incorporate the ~~same~~ View of Govt Communicated in

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

Rule of Practice (Criminal) 4045
Relating to the payment of T.A. to Revd Officers
for attending Criminal Courts

File No. of 194 . | General and Revenue Secretariat

Serial No. T

This Office letter Dy 15.11.1941 in a rule of practice.

Submitted for orders with references

The Registrar of the High Court is to consolidate Paras IV & V into one Para. This may be approved

Law Secretary) 3 31/1/42

Fin Secy (M/C) Hm 2 31.1.42

AD 3.2.42 3 31/1/42

May be approved

Minister (for Law) Hm 2 4.2.42

Hm 5/2/42. 3 4/2/42

Hm 2 6.2.42

3 6/2/42

Submitted with a draft

may be approved

Law Secretary) 3 9/2

Hm 2 11.2.42

3 11/2/42

FEB 5 1942 No 7652

SECY. LAW DEPT. 982 31 JAN 1942 GOVT OF MYSORE

2 FEB. 1942

SECY. LAW DEPT. 1257 9 FEB 1942 GOVT OF MYSORE

General and Revenue Secretariat | C5 File No. 188 of 1941. | [App. F. III-2

	Serial No.	
B.	2	To the Registrar, High Court and the Comptroller, H.E.H. the Nizam's Exchequer, No. B 3784-5 dt. 17.2.42 Sanctioning the proposal

NOTE—Cont. Sheet.

W.D. 04155—G.P.B.—55,000—28-10-41

R. O. C. No. 443 41-42
~~D. Dis.~~

Enc: one

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 20 January 1942

REV. SECRETARIAT 21. JAN. 1942 4045 P

CS 188-41-1

FROM

T. SHAMIENGAR, ESQ., B.A., B.L.,
Registrar, High Court of Mysore.

SECY. DEPT. 21 JAN. 1942 GOVT OF MYSORE

To

H. V. NARAYANA RAO, Esq., B.A., LL.B.,
Secretary to the Government of Mysore,
Law Department, BANGALORE.

SIR, 21/1/42

I am directed to refer to Government Order No.P.3040-50/Cts. 178-24-2, dated 12th December 1924, and to your letter No.P 869 Cts. 16-27-2, dated 10th August 1927, in the matter of payment of Travelling Allowance and Subsistence Allowance to retired officers attending Courts as witnesses in Criminal cases to give evidence of facts which came to their knowledge while in Government Service and to state that the instructions issued in pursuance of the above Government Order and letter and included in the Criminal Rules of Practice and Circular Orders are not clear in themselves and are now out-of--date in one of their references. There are now two paragraphs on the subject - one based on the Government Order and the other on the Government letter - viz., paragraphs IV and V on page 168 of Criminal Rules of Practice and Circular Orders, Vol.I, which can lead only to doubt and confusion. In order to bring out the intention of the Government in the matter, as understood by the Judges, I am directed to recommend that the Government may be pleased to issue the amendment appended to this letter.

I have the honour to be,

Sir,

Your most obedient servant,

T. Shamiengar
REGISTRAR.

SK
MSN.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 17/2/62 193 .

Signed by Mr K.L.P.

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Section. C/5

File No. 188-41

Serial No. 2

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

G.O. No P 3040-50/cts 178-24-2 Dt 12.12.1924 directing the payment of T.A and batta to ~~the~~ Retired Offrs of Govt who attend Criminal Courts in the State as Witnesses ~~Order thereon~~.—No. to depose to facts which Came to their Knowledge while in Govt Service

(2) Govt letter No P 869/cts 16-27-2 Dt 10-8-1927 to the Registrar High Court of Mysore stating that the T.A and batta

payable to the retired Officers of Govt attending Criminal Courts in the State as witnesses to give evidence of facts which came to their knowledge while in Govt Service should be in accordance with the rates fixed for non-Official Witnesses.

(3) Letter No RoC 443/41-42 dt 21.1.1942 from the Registrar High Court of Mysore stating that it is proposed to substitute the rule indicated in the appended statement hereto in place of the existing sub paragraphs (IV) & (V) to Rule 11 on page 168 of the Criminal Rules of Practice & Circular orders Vol I (1934): and requesting sanction thereto.

List of Enclosure

Copied by

Examined by

WD 0564—GPB—22,500—9-1-39

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Order P3784-5 Dt 17.2.42

The proposal of the High Court is sanctioned

Hm 2 11-2-42

Secy to Govt. Law Dept

To

The Registrar Hon Court
The Comptroller to Govt.

P.T.O

WD 0280—GPB—22,500—14-3-38

Amendment to Part I of Chapter XXX of the Criminal Rules of Practice and Circular Orders, Volume I, (1934).

Substitute the following as sub-paragraph (iv) for the existing sub-paragraphs (iv) and (v) to Rule 11 on page 168 of the Criminal Rules of Practice and Circular Orders, Vol. I, (1934):-

Retired Government Officers attending to give evidence of facts, which came to their knowledge while in Government service, will be paid both in Sessions Courts and Magistrates' Courts travelling allowance and subsistence allowance (batta) at the rates prescribed for non-official witnesses attending sessions trials.

REGISTRAR.

MSN.

Jw Secy to Govt
Law & Jpr